

8K0603PG1721

88-07969
DEED

THIS DEED OF EASEMENT, made this 23rd day of August, 1988, by and between K & S DEVELOPERS, A VIRGINIA GENERAL PARTNERSHIP, hereinafter referred to as GRANTORS, and THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, a body politic, GRANTEE.

W I T N E S S E T H :

WHEREAS, the Grantor is the owner of the fee of real property hereinafter described which they desire preserved as open space in the public interest, and

WHEREAS, the said real property meets criteria established under the Fauquier County Zoning Ordinance for open space land, inasmuch as the said land:

A. Is agriculturally significant for production for commercial purposes of crops, livestock or livestock products, but not lands or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products, containing a minimum of 25 acres.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee an open space easement in gross over, and the right in perpetuity to restrict the use of the following described real estate being Lot 2, containing 26.5361 acres, more or less, in Cedar Run Magisterial District, Fauquier County, Virginia, herein called the Property:

ALL that certain tract or parcel of land containing 26.5361 acres, more or less, situate in Cedar Run Magisterial District, Fauquier County, Virginia, and designated as Lot 2, Lauren Woods, on plat of James G. Butler, Jr., and Associates, dated June 15, 1988, and recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, in Deed Book 603 at page 1721.

AND BEING a portion of that same property conveyed unto K & S Developers, a Virginia General Partnership, by deed from Robin C. Gulick and The Peoples National Bank of Warrenton, Trustees, dated May 18, 1988, and

Examined and
Returned To:

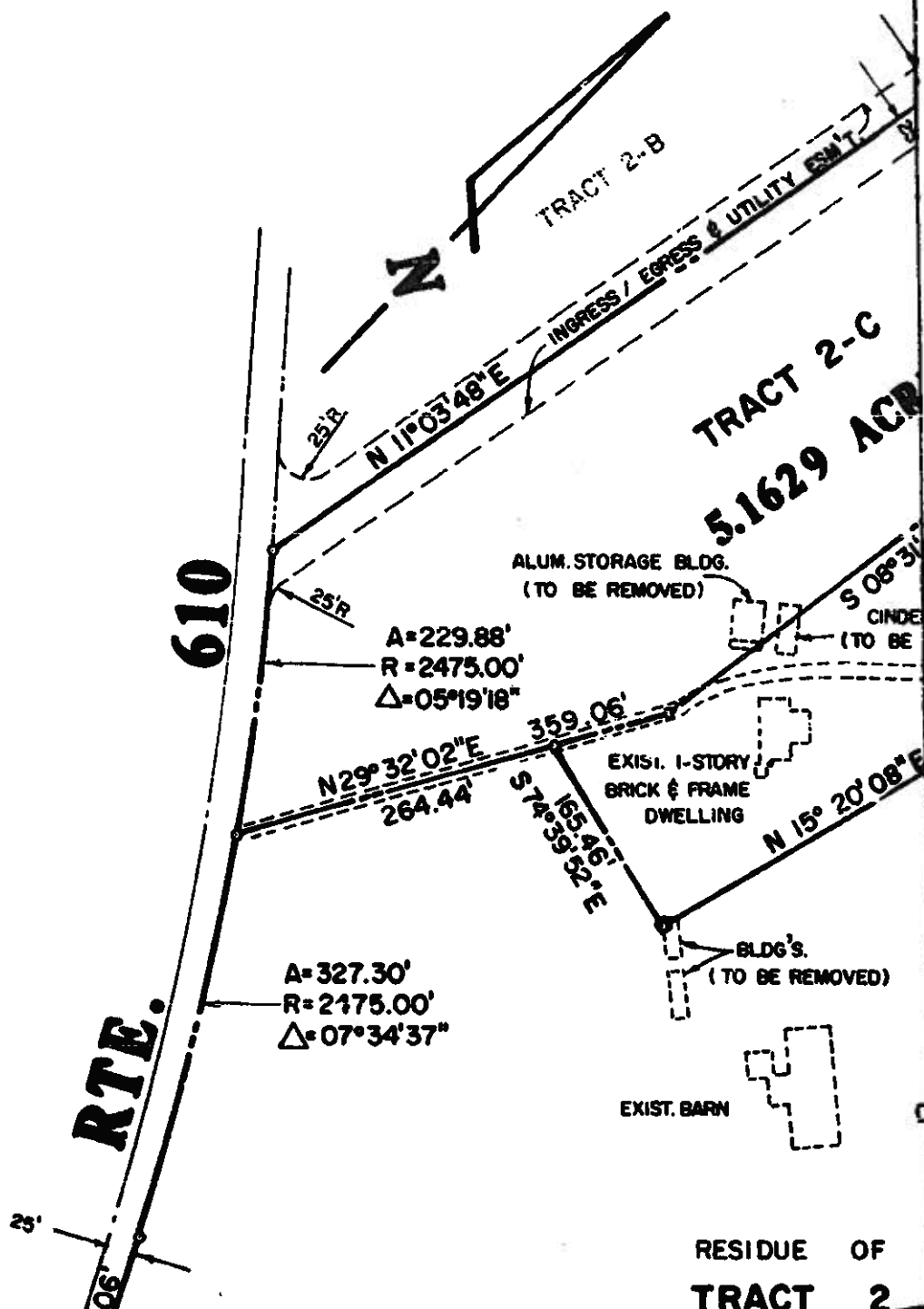
THOMAS STADEL
SEP 2 1988
D.N.K.

LINE MATCH

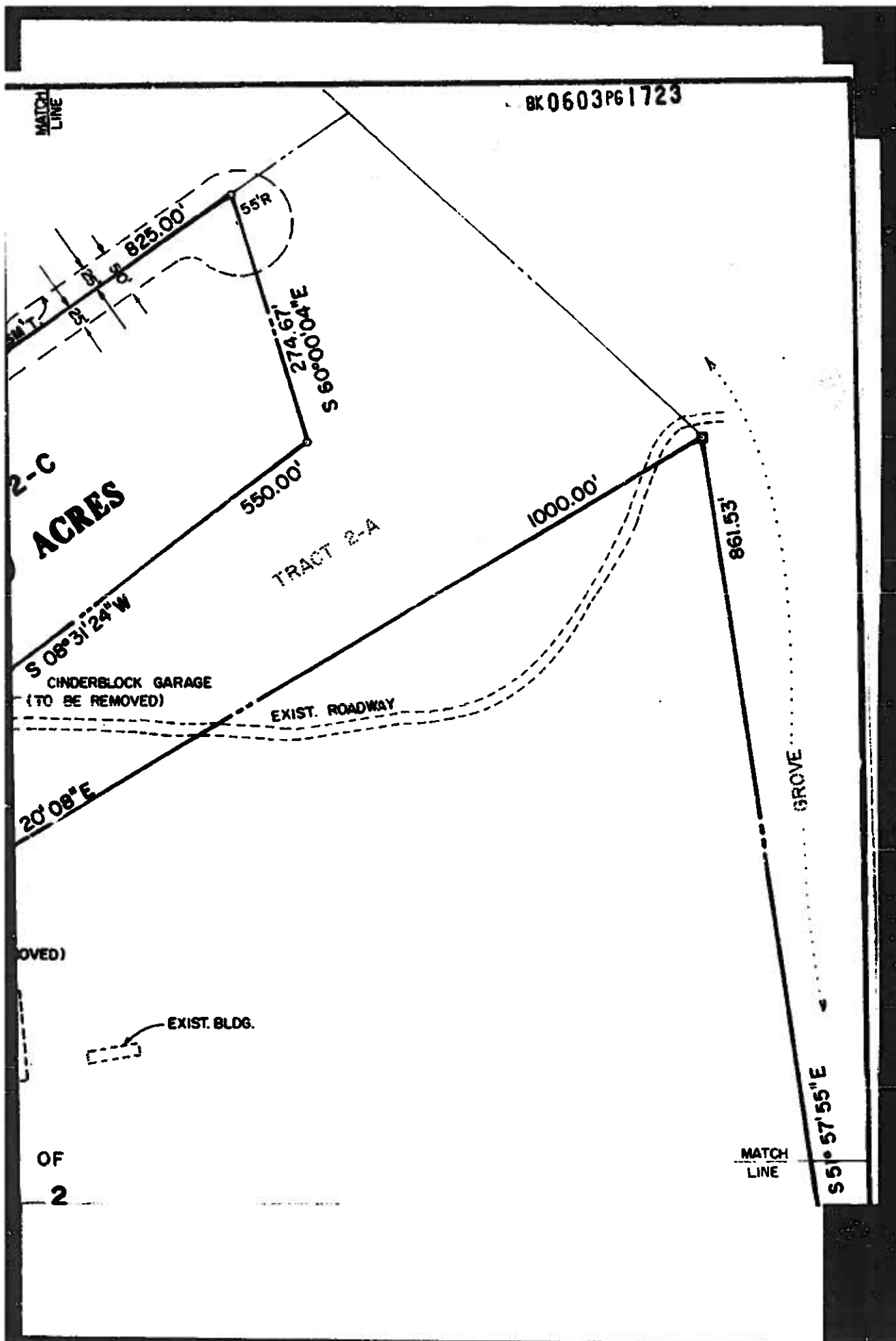
BUILDING SETBACKS

FRONT: 75'

SIDE & REAR: 25



RESIDUE OF
TRACT 2



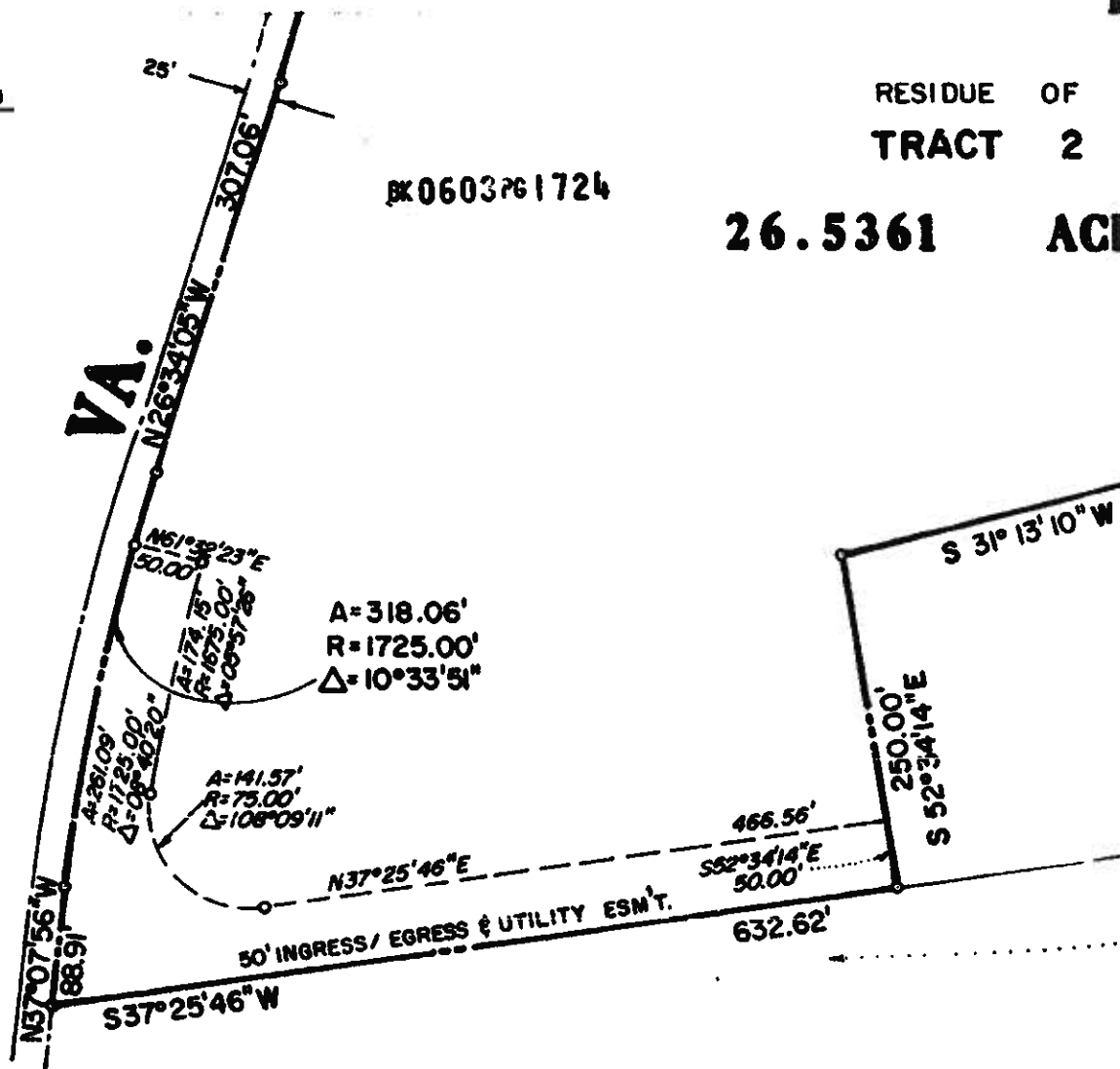
MATCH
LINE

VA.

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RESIDUE OF
TRACT 2

26.5361 AC



SUBDIVISION PLAT

TRACT 2-C & RESIDUE OF TRACT 2

LAUREN WOODS

CEDAR RUN MAGISTERIAL DISTRICT

FAUQUIER COUNTY, VIRGINIA

SCALE: 1" = 100' JUNE 15, 1988

JAMES G. BUTLER, JR., & ASSOCIATES, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
WARRENTON, VIRGINIA

MATCH
LINE

OF
2

ACRES

BK 0603 PG 1725

MATCH
LINE

S 51° 57' 51"

1009.25'

3' 10" W

TRACT 1

CERTIFICATE OF APPROVAL:

THIS SUBDIVISION KNOWN AS TR 2 & 2-C. LAUREN WOODS IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

DATE 7/12/88 Roger A. Inger
CHAIRMAN OR AGENT, BOARD OF SUPERVISORS

OWNERS' CONSENT:

THIS SUBDIVISION, AS APPEARS HEREON, IS WITH OUR FREE CONSENT AND IS IN ACCORDANCE WITH OUR DESIRES.

GIVEN UNDER OUR HANDS THIS 3rd DAY OF August 1988

STATE OF VIRGINIA:

I, Roger A. Inger A NOTARY PUBLIC FOR THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT

Thomas L. Steden
WHOSE NAMES ARE SIGNED TO THE FOREGOING STATEMENT OF CONSENT DATED THIS 3rd DAY OF August 1988, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY AFORESAID STATE, GIVEN UNDER MY HAND, THIS 3rd DAY OF August, 1988.

NOTARY PUBLIC

MY COMMISSION EXPIRES

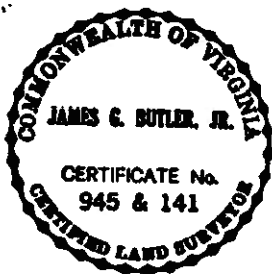
SURVEYOR'S CERTIFICATE:

I, JAMES G. BUTLER, JR., A DULY CERTIFIED LAND SURVEYOR FOR THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY HEREON NOW STANDS RECORDED IN THE NAME OF K&S DEVELOPMENT, INC.

PER D.B. 597, P. 1655 OF THE FAUQUIER COUNTY, VIRGINIA, LAND RECORDS, I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE REQUIREMENTS OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE HAVE BEEN COMPLIED WITH, AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS.
(• DENOTES CONCRETE MONUMENT, * DENOTES IRON PIPE.)
GIVEN UNDER MY HAND THIS 15 DAY OF JUNE, 1988.

JAMES G. BUTLER, JR.

CLS # 945



88-1122

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recorded in the aforesaid Clerk's Office in Deed Book 597, at page 1655.

The restrictions hereby imposed on use of the above-described Property are in accord with the Commonwealth of Virginia's policies of the County of Fauquier; and the acts which the Grantor, its heirs, successors and assigns, so covenant to do and not to do upon the Property, and the restrictions which the Grantee is hereby entitled to enforce, are and shall be as follows:

1. Accumulation of trash, refuse, junk or unsightly material is not permitted on the Property.

2. Display of billboards, signs or other advertisements is not permitted on or over the Property except to state solely the name and/or address of the owners, or to advertise the sale or lease of the Property, or to advertise the sale of goods or services produced incidentally to permitted uses of the Property. Provided that no sign on the Property shall exceed nineteen square feet in total.

3. Subdivision of the Property is prohibited, however, a conveyance to an adjoining landowner as a boundary line adjustment may be permitted with County approval provided that the residue parcel left after conveyance to an adjoining landowner be not less than 25 acres.

4. Management of timber shall be in accord with sound forestry practices under management plans.

5. Grading, blasting, mining or earth removal shall not alter the topographic aspects of the Property except for dam construction to create private conservation ponds or lakes, or as required in construction of permitted buildings or roads, described in No. 6 below.

6. No building, structure, or mobile home shall be built or maintained on the Property other than (i) farm buildings or

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structures, and (ii) a single family dwelling and outbuildings commonly or appropriately incidental thereto.

7. Industrial or commercial activities except farming, silviculture or horticulture are prohibited except as can be and in fact are conducted from the residence house, shop, toolhouse, or other permitted buildings without alteration of the external appearance of same.

Representatives of the Grantee may enter the Property only from time to time for the purpose of inspection and enforcement of the terms of the open space easement granted herein, following receipt of permission from or after reasonable notice to the landowner of the intended entry.

Although this easement in gross will benefit the public in ways recited above by encouraging and requiring elements of good land management, nothing herein shall be construed to convey a right to the public of access or use of the Property, and the Grantor, its heirs, successors and assigns, shall retain exclusive right to access and use.

This Deed of Easement shall be construed to run with the land in perpetuity and shall be binding on the successors, assigns, heirs, trustees and grantees of the parties, and may be modified only as follows:

1. This easement may be modified after 25 years by a majority vote of the Board of Supervisors of Lauquier County and the then current lot owners of the subject parcels. Such vote by the Board may be taken only after a duly advertised public hearing, and must be based on a positive finding that:

a. The open space, the use(s) to which the open space was restricted are no longer possible, and are in conflict with a duly adopted Comprehensive Plan;

and

b. Substitute open space proposed by the applicant is at least of equivalent usefulness and acreage and would better

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comply with the duly adopted Comprehensive Plan;

or

- c. That there is no provision in the Comprehensive Plan or the Zoning Ordinance advancing the purpose for which the Deed restriction was required.

WITNESS the following signatures and seals:

K & S DEVELOPERS, a Virginia General Partnership

BY:

THOMAS L. STEDER
THOMAS L. STEDER, General Partner

Accepted:

BOARD OF SUPERVISORS OF
FAUQUIER COUNTY, VIRGINIA

BY:

STATE OF VIRGINIA
COUNTY OF FAUQUIER, TO-WIT:

I, ROGER A. INGER, a Notary Public in and for the jurisdiction aforesaid, hereby certify that THOMAS L. STEDER, General Partner of K & S Developers, a Virginia General Partnership, whose name is signed to the foregoing easement bearing date on the 23rd day of August, 1988, has acknowledged the same before me in my jurisdiction aforesaid.

GIVEN under my hand this 23rd day of August, 1988.

ROGER A. INGER
Notary Public

My Commission Expires:

July 20, 1990

Virginia In the Clerk's Office of Fauquier Circuit Court SEP 2 1988

This instrument was this day received in said Office and with certificate admitted to record at 8:40 a.m.

Tax of \$ imposed by Section 58.1-802 Paid

State Tax County Tax

Transfer Fee Clerk's Fee 14.00 Total 14.00

Teste

Clerk